

Nays: Haley.

Absent-excused: Glasgow, Santiesteban, Whitmire.

SENATE RESOLUTION 493

Senator Truan offered the following resolution:

S.R. 493, Commemorating the anniversary of the birth of Queen Isabella of Spain.

The resolution was read and was adopted viva voce vote.

CONGRATULATORY RESOLUTIONS

H.C.R. 205 - (Sims): Expressing appreciation to Chevron USA for its invaluable support for public display of the original Goddess of Liberty, an important part of this State's unique history.

S.R. 491 - By Carriker: Expressing sincere appreciation to Dorothy Judy Green for her many years of dedicated service to the people of Texas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:44 a.m. adjourned until 11:00 a.m. Monday, April 24, 1989.

APPENDIX

Sent to Governor
(April 21, 1989)

S.B. 96
S.B. 227
S.B. 444
S.B. 529
S.B. 534
S.B. 1122

FORTY-NINTH DAY (Monday, April 24, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, on this the 105th day of this 71st Legislature, we assemble with confidence of Your presence. May reasoning, experience and fairness prevail as once again the Members come together to insure that government is made to serve

people. Mindful there is a power beyond our power and a wisdom beyond our wisdom, we pray for Your guidance this day.

In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 21, 1989, was dispensed with and the Journal was approved.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.C.R. 6
S.C.R. 103
S.C.R. 123
S.B. 113
S.B. 132
S.B. 308
S.B. 335
S.B. 395
S.B. 526
S.B. 671
H.B. 406
H.B. 539
H.B. 1497

REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 1668
H.B. 571
C.S.S.B. 1147

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1395
S.B. 1071
C.S.S.B. 569
C.S.S.B. 896
C.S.S.B. 757
C.S.S.B. 1272
C.S.S.B. 147
C.S.S.B. 606
C.S.S.B. 1010
C.S.S.B. 715
C.S.S.B. 1025

GUEST PRESENTED

Senator Truan was recognized and presented Dr. J. M. McCullough of Corpus Christi.

The Senate welcomed Dr. McCullough, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Bivins and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 126 by Bivins Health and Human Services
Requesting the United States Postal Service to issue a commemorative postage stamp in honor of the 50th anniversary of Cal Farley's Boys Ranch and its founder, Cal Farley.

S.B. 1747 by Harris Natural Resources
Relating to changing the name of the Farmers Branch-Carrollton Flood Control District to the Valwood Improvement Authority, staggering of the directors' terms, filling vacancies on the board, providing a per diem allowance for directors, and validating prior acts.

S.B. 1748 by Ratliff Intergovernmental Relations
Relating to the Gregg County Juvenile Board.

S.B. 1749 by Ratliff Criminal Justice
Relating to the imposition of fees on conviction of misdemeanors or felonies.

S.B. 1750 by Ratliff Health and Human Services
Relating to the creation, administration, powers, duties, operation, and financing of the Morris County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

S.B. 1751 by Sims Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the West Edwards Underground Water Conservation District.

S.B. 1752 by Zaffirini Jurisprudence
Relating to fingerprinting and photographing certain children.

S.B. 1753 by Zaffirini, Sims Natural Resources
Relating to the powers and duties of a park district in a county with frontage on both the Guadalupe and Comal rivers.

S.B. 1754 by Brown Intergovernmental Relations
Amending Section 143.057(f) of the municipal civil service act to require the preponderance of the evidence as a standard of proof.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.J.R. 4, To Committee on State Affairs.

H.B. 108, To Committee on Finance.

H.B. 488, To Committee on Jurisprudence.

H.B. 509, To Committee on Intergovernmental Relations.

H.B. 606, To Committee on Education.

H.B. 781, To Committee on Natural Resources.

H.B. 808, To Committee on Jurisprudence.

H.B. 960, To Committee on Intergovernmental Relations.

H.B. 1087, To Committee on Health and Human Services.

H.B. 1318, To Committee on Natural Resources.

H.B. 1519, To Committee on Economic Development.

H.B. 1601, To Committee on Intergovernmental Relations.

H.B. 1631, To Committee on Economic Development.
H.B. 1632, To Committee on State Affairs.
H.B. 1712, To Committee on Intergovernmental Relations.
H.B. 1718, To Committee on Intergovernmental Relations.
H.B. 1745, To Committee on Natural Resources.
H.B. 1888, To Committee on Education.
H.B. 1900, To Committee on State Affairs.
H.B. 1943, To Committee on State Affairs.
H.B. 1960, To Committee on Economic Development.
H.B. 1976, To Committee on Intergovernmental Relations.
H.B. 2058, To Committee on State Affairs.
H.B. 2095, To Committee on State Affairs.
H.B. 2197, To Committee on State Affairs.
H.B. 2231, To Committee on Intergovernmental Relations.
H.B. 2260, To Committee on Economic Development.
H.B. 2532, To Committee on State Affairs.
H.B. 2551, To Committee on State Affairs.
H.B. 2626, To Committee on Intergovernmental Relations.

CO-AUTHOR OF SENATE BILL 762

On motion of Senator Armbrister and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 762.

CO-AUTHOR OF SENATE BILL 1594

On motion of Senator Farmer and by unanimous consent, Senator Barrientos will be shown as Co-author of S.B. 1594.

CO-AUTHORS OF SENATE BILL 1740

On motion of Senator Brooks and by unanimous consent, Senators Carriker, Parker, Truan, Caperton, Montford, Bivins, Sims, Uribe, Zaffirini, Glasgow, Dickson, Haley and Ratliff will be shown as Co-authors of S.B. 1740.

SENATE RESOLUTION 497

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas joins with the citizens of Austin in mourning the loss of Vernie M. (Pop) Smith who died on April 13, 1989; and

WHEREAS, Born on January 31, 1903, to a pioneer family in Seagoville, he spent his early years in Rogers, Texas, where he was an outstanding athlete in track, baseball, and football; and

WHEREAS, A resident of Austin since 1936, he was proud of his vocation as a salesman; and

WHEREAS, He succeeded to the office of Sergeant-at-Arms of the Texas Senate in the First Called Session of the Fifty-First Legislature and served with distinction performing his duties in a professional manner; and

WHEREAS, After his retirement, he worked as the supervisor of the car guards at the State Capitol where he earned the respect and friendship of all who knew him; and

WHEREAS, Affectionately known as "Pop," he was admired for his integrity, humor, and warm personality; and

WHEREAS, Devoted to his family and his church, he contributed his time and energies to the betterment of his community; and

WHEREAS, He leaves a legacy of compassion and commitment that will remain cherished by those who lived and worked with him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby extend deepest sympathy to the family members of the late Vernie M. (Pop) Smith: his wife, Charlene; his son and daughter-in-law, Ron and Barbara Smith; his daughters and sons-in-law, Carolyn and Tom Royder and Vernet and Richard Safford; his sister and brother-in-law, Cretys and Pat Angelo; his sister-in-law, Beulah Maxwell; and his seven grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the family members as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Vernie M. (Pop) Smith.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Barrientos introduced members of Mr. Smith's family to the Senate and escorted grandchildren, Aaron and Alissa Smith, to the President's Rostrum.

The President presented to them an enrolled copy of Senate Resolution 497.

SENATE RESOLUTION 501

Senator Uribe offered the following resolution:

S.R. 501, Extending a formal request to the International Committee of the Red Cross to recognize and accept the Magen David Adom Society of Israel for membership in the World Red Cross family.

The resolution was read and was adopted viva voce vote.

SENATE BILL 189 WITH HOUSE AMENDMENTS

Senator Henderson called **S.B. 189** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Wright

Amend **S.B. 189** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 4(e), Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by amending Subdivision (2) and adding Subdivisions (4) and (5) to read as follows:

(2)(A) In addition to the methods ~~[method]~~ of removal of board members provided by Subdivisions (1) and (4) ~~[Subsection (e)(1)]~~ of this subsection ~~[section]~~, board members of an authority in which the rate of the sales and use tax is one percent and whose principal city has a population of more than 1,200,000, according to the most recent federal census, are subject to removal by the recall procedure provided by this subdivision.

(B) ~~(f)~~ The qualified voters of the authority by petition may require that the appointing political subdivision reconsider their appointment of a board member to determine whether a member of the board is to be removed from office. A petition is valid if it states that it is intended to require

a reconsideration on the question of removing an identified board member, if it is signed by qualified voters equal in number to at least 10 percent of the number of voters of the authority voting in the previous governor's election, if the signatures are collected within a period of 90 days prior to the date on which the petition is presented to the appointing political subdivision, and if it is submitted to the appointing political subdivision before the first day of the final six months of the term of the member whose removal is sought.

(C) [(ii)] After receiving a petition, the appointing political subdivision shall submit it to the secretary of state, who, not later than the 10th day after the day he or she receives the petition, shall determine whether or not the petition is valid and shall notify the appointing political subdivision of the finding. If the secretary of state fails to act within the time allowed, the petition is treated as if it had been found valid.

(D) [(iii)] If the appointing political subdivision receives notice from the secretary of state that the petition is valid or if the secretary of state has failed to act within the time allowed, the appointing political subdivision shall reconsider such appointment and take action to either remove or reconfirm such appointee.

(E) [(iv)] The appointing authority that appointed the member removed by recall shall fill the vacancy not later than the 30th day after the day of removal.

(F) [(v)] A member removed by recall is not eligible for reappointment to fill the vacancy and is not eligible for appointment to any other position on the board for a length of time after the day of removal equal to the length of a normal term of a member of the board.

(4) In addition to the methods of removal of board members provided by Subdivisions (1) and (2) of this subsection, a board member of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, may be removed by the agency that appointed the member. In the case of the principal city, removal under this subsection is by recommendation of the mayor and confirmation of that city's governing body. Grounds for removal under this subdivision are the grounds described by Subdivisions (1) and (5) of this subsection. Before removing a board member under this subdivision, the appointing agency or, in the case of a member appointed by the mayor of the principal city and confirmed by that city's governing body, the mayor of the principal city shall furnish to the member a statement of the charges as grounds for removal. Before the 11th day after the date the member receives the statement, the member may request a hearing before the appointing or confirming agency. At a hearing, the member is entitled to be represented in person or through counsel. After a hearing, if the appointing or confirming agency determines that the charges are true, it shall remove the member from the board.

(5)(A) In addition to the grounds described by Subdivision (1) of this subsection, it is a ground for removal from the board of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, if a member:

(i) does not have at the time of appointment the qualifications required by Sections 4(d) and 6B(e) of this Act;

(ii) does not maintain during service on the board the qualifications required by Sections 4(d) and 6B(e) of this Act;

(iii) violates a prohibition established by Section 4(d) of this Act or Chapter 171, Local Government Code;

(iv) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(v) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(B) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists. However, an action taken when a ground for removal exists under Paragraph (A)(iii) of this subdivision is voidable if the measure that was the subject of the action would not have passed the board without the vote of the person who is the subject of that ground for removal.

(C) If the general manager of the authority has knowledge that a potential ground for removal exists, the general manager shall notify the chairman of the board of the ground. The chairman shall then notify the appointing agency that a potential ground for removal exists.

SECTION 2. Section 6, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding Subsections (t), (u), and (v) to read as follows:

(t) Except as provided by Subsection (u) of this section, an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, may construct, reconstruct, or maintain any highway, road, thoroughfare, or arterial or local street, including any bridge or grade separation, within the boundaries of the authority and may undertake traffic signalization and control improvements of any kind within the boundaries of the authority. An authority may exercise any portion of the powers granted by this subsection through contracts or other agreements with other governmental entities.

(u) An authority may not act under Subsection (t) of this section in a municipality without:

(1) the consent of the governing body of the municipality; or

(2) a contract with the municipality that specifies the actions the authority may take in the municipality.

SECTION 3. Section 6B, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by amending Subsection (e) and adding Subsection (h) to read as follows:

(e) The terms of office of any members of the board appointed after the confirmation and tax election and after the effective date of this Act are four years, except as otherwise provided by this section and except that in order to provide staggered terms, the terms of office of one-half of the first members appointed by an appointing agency after the effective date of this Act, if an even number is to be appointed by an agency, and a bare majority of the first members appointed by the agency, if an odd number greater than one is to be appointed by an agency, are two years. In addition, the appointing agency may shorten the initial terms to make the expiration dates coincide with those of the previously existing positions. To be eligible for appointment to the board, a person must be a qualified voter residing within the boundaries of the authority. Except as provided by Subsection (c) of this section, a person may not serve more than two consecutive four-year terms as a member of the board.

(h) A member of the board of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, serves a term of two years. A vacancy on a board subject to this subsection shall be filled by the agency that appointed the member whose position has become vacant for the remainder of the unexpired term. In the case of a vacancy in a position whose previous occupant was appointed by the mayor of the principal city and confirmed by that city's governing body, the vacancy shall be filled by appointment of the mayor and confirmation of the governing body. A person may not serve a total of more than eight years, whether or not consecutive, on a board subject to this

subsection, except as a holdover pending the qualification of a successor, and may not be appointed if, at the end of the term for which the person is being considered, the person's service would exceed this requirement.

SECTION 4. Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding Section 6J to read as follows:

Sec. 6J. ADVISORY COMMITTEES FOR CERTAIN AUTHORITIES. (a) The board of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, may establish advisory committees to make recommendations to the board or general manager about the operation of the authority.

(b) An advisory committee established under this section exists at the pleasure of the board. The board shall appoint members to an advisory committee, from a list of persons recommended by the general manager, to serve at the pleasure of the board. In making appointments to an advisory committee established under this section, the board shall appoint persons who have knowledge about and interest in, and represent a broad range of viewpoints concerning the work of the committee.

(c) The board shall specify the purpose, powers, duties, and manner of reporting the results of the work of an advisory committee established under this section.

(d) Members of an advisory committee appointed under this section may not receive compensation but are entitled to reimbursement by the authority for actual and necessary expenses incurred in the performance of the work of the committee.

SECTION 5. Section 12, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. MANAGEMENT. (a) Except as otherwise provided by this section, the [The] responsibility for the management, operation and control of the properties belonging to an authority shall be vested in its board. The board may:

(1) [(a)] employ all persons, firms, partnerships or corporations deemed necessary by the board for the conduct of the affairs of the authority, including, but not limited to, a general manager, bookkeepers, auditors, engineers, attorneys, financial advisers and operating or management companies, and prescribe the duties, tenure and compensation of each. All employees may be removed by the board;

(2) [(b)] become a subscriber under the Texas workers' compensation laws [Workmen's Compensation Act] with any old-line legal-reserve insurance company authorized to write policies in the State of Texas;

(3) [(c)] adopt a seal for the authority;

(4) [(d)] invest funds of the authority in direct or indirect obligations of the United States, the state, or any county, city, school district or other political subdivision of the state; funds of the authority may be placed in certificates of deposit of state or national banks or savings and loan associations within the state provided that they are secured in the manner provided for the security of the funds of counties of the State of Texas; the board, by resolution, may provide that an authorized representative of the authority may invest and reinvest the funds of the authority and provide for money to be withdrawn from the appropriate accounts of the authority for the investments on such terms as the board considers advisable;

(5) [(e)] fix the fiscal year for the authority;

(6) [(f)] establish a complete system of accounts for the authority and each year shall have prepared an audit of its affairs by an independent certified public accountant or a firm of independent certified public accountants which shall be open to public inspection; and

(7) [(g)] designate one or more banks to serve as the depository for the funds of the authority.

(b) All funds of the authority shall be deposited in the depository bank or banks unless otherwise required by orders or resolutions authorizing the issuance of the authority's bonds or notes.

(c) To the extent that funds in the depository bank or banks are not insured by the Federal Deposit Insurance Corporation, they shall be secured in the manner provided by law for the security of funds of counties of the State of Texas.

(d) The board, by resolution, may authorize a designated representative to supervise the substitution of securities pledged to secure the authority's funds.

(e) The board of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, shall employ a general manager to administer the daily operations of the authority. The general manager may employ persons to conduct the affairs of the authority and may prescribe their duties and compensation, subject to board approval of the budget of the authority and in accordance with personnel policies adopted by the board. Subject to those policies, only the general manager may remove an employee. The general manager may, subject to approval of the board, contract with individuals, partnerships, corporations, or other entities to perform work or provide materials for the authority.

(f) The board of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, shall develop and implement policies that clearly define the respective responsibilities of the board and the staff of the authority.

SECTION 6. Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding Sections 12C and 12D to read as follows:

Sec. 12C. AUDIT REQUIREMENTS FOR CERTAIN AUTHORITIES. In addition to the filing required by Section 12B(c) of this Act, the board of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, shall deliver a copy of the report of an audit performed under Section 12B of this Act to the state auditor for review and comment. The state auditor shall file any comments relating to the authority's audit with the Legislative Audit Committee and the board of the authority. The state auditor may examine any work papers from the audit, or audit the financial transactions of the authority if the state auditor determines that the audit is necessary.

Sec. 12D. PERFORMANCE AUDITS OF CERTAIN AUTHORITIES.

(a) The board of an authority in which the principal city has a population of more than 1,200,000, according to the most recent federal census, shall contract with a firm to conduct a performance audit of the authority. A contracting firm under this section must have experience in reviewing the performance of transit agencies. A performance audit is required to be conducted under this section every four years.

(b) The purposes of a performance audit under this section are to provide evaluative information necessary for the performance of oversight functions by state and local officers and to provide information to the authority to assist in the making of changes to improve the efficiency and effectiveness of authority operations. The board shall determine one or more subjects for a particular audit, from among the subjects of administration and management of the authority, transit operations, and system maintenance. Each of those subjects must be examined at least once in every third performance audit.

(c) Each performance audit must include, in addition to an examination of subjects determined under Subsection (b) of this section, an examination of the authority's compliance with this Act and other applicable state law and an examination of the following performance indicators:

- (1) operating cost per passenger;
- (2) sales and use tax receipts per passenger;
- (3) operating cost per revenue hour;
- (4) operating cost per revenue mile;
- (5) fare recovery rate;
- (6) average vehicle occupancy;
- (7) on-time performance;
- (8) the number of accidents per 100,000 miles; and
- (9) the number of total miles between mechanical road calls.

(d) In this section:

(1) "Accidents" includes:

(A) all collisions that involve a revenue vehicle of the authority and that result in property damage, injury, or death, other than collisions in which the revenue vehicle is lawfully parked; and

(B) all incidents that result in the injury or death of a person aboard, boarding, or alighting from a revenue vehicle of the authority.

(2) "Mechanical road call" means any interruption in revenue service caused by equipment failure of a revenue vehicle that requires assistance from someone other than the vehicle operator before the vehicle can be operated normally.

(3) "Operating cost" means the authority's costs of providing public transit service, including the cost of purchased transit service not performed by the authority, but excluding the costs of depreciation, amortization, capitalized charges, charter bus operations, and coordination of carpool and vanpool activities.

(4) "Passenger fare revenue" means revenues provided by passengers of revenue vehicles of the authority or the sponsors of those passengers and includes cash fares, passes, tokens, tickets, and route guarantees. The term excludes charter revenues, advertising income, interest income, and other operating income.

(5) "Passenger trips" means a total of all passenger boardings, including transfers but excluding charter passengers and carpool and vanpool passengers whose trips are only coordinated by an authority.

(6) "Revenue service" means the time a revenue vehicle of an authority is in operation to carry passengers other than charter passengers.

(7) "Revenue vehicle" means a vehicle that is used to carry paying passengers and that is operated directly by an authority or as a purchased service.

(8) "Revenue vehicle hours" means a total of scheduled hours that revenue vehicles of an authority are in revenue service.

(9) "Revenue vehicle miles" means a total of miles traveled by revenue vehicles of an authority while in revenue service.

(e)(1) The operating cost per passenger is derived by dividing annual operating cost by passenger trips during the same period.

(2) The sales and use tax receipts per passenger is derived by dividing an annual amount of receipts by an authority from a local sales and use tax, by passenger trips for the same period.

(3) The operating cost per revenue hour is derived by dividing annual operating cost by revenue vehicle hours for the same period.

(4) The operating cost per revenue mile is derived by dividing annual operating cost by revenue vehicle miles for the same period.

(5) The fare recovery rate is derived by dividing annual passenger fare revenue by operating cost for the same period.

(6) The average vehicle occupancy is derived by dividing annual passenger miles by revenue vehicle miles for the same period. The number of annual passenger miles is derived by multiplying annual passenger trips by the average distance ridden by passengers during the same period.

(7) On-time performance is derived by determining an annual percentage of revenue vehicle trips performed by revenue vehicles of an authority that depart from selected locations at a time not earlier than the published departure time and not later than five minutes after the published departure time.

(8) The number of accidents per 100,000 total miles is derived by multiplying an annual total of accidents of revenue vehicles of an authority by 100,000 and dividing the result by the total number of miles for all service directly operated by the authority for the same period, including charter service and nonrevenue service.

(9) The number of miles between mechanical road calls is derived by dividing an annual total number of miles for all service directly operated by an authority, including charter service and nonrevenue service, by the total number of mechanical road calls for revenue vehicles of the authority for the same period.

(f) An authority for which a performance audit is conducted under this section shall prepare a written response to the report of the performance audit. The response must include any proposals for action, whether pending, adopted, or rejected, relating to recommendations contained in the performance audit report.

(g) The authority shall conduct a public hearing on each performance audit report conducted under this section and the authority's written response to that report. The authority shall cause notice of the hearing to be published in a newspaper of general circulation in the area included within the authority at least 14 days before the date of the hearing. The authority also shall make copies of the report and response available for public inspection at offices of the authority during normal business hours.

(h) A copy of each report of a performance audit conducted under this section and the response of the authority shall be delivered by the authority to the governor, the lieutenant governor, the speaker of the house of representatives, the state auditor, the presiding officer of the governing body of each county and municipality having territory included within the authority, and each member of the state legislature whose district includes territory within the authority. The copies shall be delivered before February 1 of every second odd-numbered year.

SECTION 7. Subdivision 2, Section 1, Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "Public utility" means properties and facilities for (A) the conservation, storage, supply, treatment, or transmission of water; (B) the treatment, collection, or disposal of water-carried wastes or solid wastes; (C) the generation, transmission, or distribution of electric power and energy; (D) the acquisition, distribution, or storage of gas; (E) a "public transportation system" as defined in Chapter 683, Acts of the 66th Legislature, 1979 (Article 1118y, Revised Statutes), or a "system" as defined in Section 2, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes); (F) an "airport" as defined in the Municipal Airports Act (Article 46d-1 et seq., Revised Statutes); or (G) a port facility, including facilities for the operation or development of ports and waterways or in aid of navigation and navigation-related commerce in the ports and on the waterways; and (H) the carrying out of any purpose or function for which the issuer may issue bonds.

SECTION 8. Section 2(b), Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) A transportation or transit authority created, organized, and operating under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), may not issue

obligations, except refunding obligations, payable in whole or in part from its sales tax revenues and having a maturity longer than five years unless an election required by Section 7(h), Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by Section 15(h), ~~Subsection (h) of Section 15 of~~ Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), as applicable, has been held and favorably carried. However, obligations that are exempt from such election requirements by the terms of the applicable ~~[that]~~ Act are also exempt from the election requirements of this subsection.

SECTION 9. (a) The first performance audit required by this Act shall be conducted, and copies of the first report of a performance audit and transit authority response required by this Act shall be delivered, before February 1, 1991.

(b) The change in law made by this Act in the maximum length of service of a member of the board of a metropolitan transit authority in which the largest city has a population of more than 1,200,000, according to the most recent federal census, applies only to appointments that are made for terms that begin, or for vacancies that are filled, on or after the effective date of this Act.

SECTION 10. (a) Action taken before the effective date of this Act by the board of a metropolitan rapid transit authority in which the largest city has a population of more than 1,200,000, according to the most recent federal census, may not be held invalid on the ground that the action was taken at a time when the members of the board served, or were authorized under color of law to serve, terms of four years.

(b) Action that was taken before the effective date of this Act by the board of a metropolitan rapid transit authority in which the largest city has a population of more than 1,200,000, according to the most recent federal census, and that is authorized under Sections 6(t), (u), and (v), Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), as added by this Act, may not be held invalid on the ground that the action was not authorized at the time it was taken.

SECTION 11. This Act takes effect September 1, 1989.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment - Eckels

Amend C.S.S.B. 189 by adding before the section containing the effective date the following section, appropriately numbered, and by renumbering the subsequent sections appropriately:

SECTION ____ Title 28, Revised Statutes, is amended by adding Article 1118x-1 to read as follows:

Art. 1118x-1. COUNTY REGULATION OF PASSENGER CONDUCT

Sec. 1. This article applies only to a county in which is located a part or all of a transit authority that is in a metropolitan area whose municipality of greatest population has a population of more than 1.2 million, according to the most recent federal census, and that is created, organized, and operating under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes).

Sec. 2. In this article:

(1) "Access point" means a bus stop or any other place designated as an entry or exit point to or from a vehicle operated by a public transit service.

(2) "Principal municipality" means the municipality with the greatest population in a county.

(3) "Public transit service" means a transit service established and operating under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes).

(4) "Transit facility" means a building, storage unit, parking lot, or other facility owned or operated by a public transit service.

(5) "Transit route" means a route or dedicated lane over which a transit vehicle travels that is specifically labeled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.

Sec. 3. The commissioners court of a county by order may adopt an ordinance of the principal municipality in the county relating to the conduct of a person while riding a vehicle operated by a public transit service, while awaiting transportation on the vehicle at an access point, or while in a transit route or facility. An order adopted under this section applies in any part of the county.

Sec. 4. If an order under this article defines an offense, the offense is a Class C misdemeanor.

The amendments were read.

Senator Henderson moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 189 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Henderson, Chairman; Green, Brown, Whitmire and Washington.

SENATE BILL 5 WITH HOUSE AMENDMENT

Senator Brown called S.B. 5 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment - Kuempel

Amend S.B. 5 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Title 5, Parks and Wildlife Code, is amended by adding Subtitle H to read as follows:

SUBTITLE H. ARTIFICIAL REEFS

CHAPTER 89. ARTIFICIAL REEFS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 89.001. DEFINITIONS. In this chapter:

(1) "Artificial reef" means a structure or system of structures constructed, placed, or permitted in water covered under this chapter for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) "National Fishing Enhancement Act" means Title II of Public Law No. 98-623, enacting 16 U.S.C. Section 1220d and 33 U.S.C. Sections 2101 through 2106 and amending 16 U.S.C. Sections 1220 through 1220c.

(3) "Reef materials" includes only materials allowed under the national artificial reef plan adopted under the National Fishing Enhancement Act for construction of artificial reefs.

(4) "Water covered under this chapter" means the navigable water of Texas and water of the federal fisheries conservation zone adjacent to Texas water.

Sec. 89.002. GENERAL DUTIES. (a) The department shall promote, develop, maintain, monitor, and enhance the artificial reef potential in water covered under this chapter.

(b) In carrying out the duties under Subsection (a) of this section, the department shall:

- (1) plan and review permit applications for artificial reefs;
- (2) coordinate with relevant state and federal agencies;
- (3) hold public hearings on proposed artificial reefs;
- (4) oversee maintenance and placement requirements of artificial

reefs; and

(5) develop rules and guidelines, in conjunction with the advisory committee, in the collection of fees, grants, and donations to the Artificial Reef Fund.

Sec. 89.003. DEPARTMENT AUTHORIZED TO SERVE AS PERMITTEE. (a) The department may apply for a federal permit and serve as permittee for an artificial reef located in water covered under this chapter if the establishment of the reef complies with this chapter and the National Fishing Enhancement Act.

(b) In applying for a permit under this section, the department shall:

(1) consult with and consider the views of appropriate federal and state agencies, local governments, and other interested persons;

(2) ensure that the provisions in the permit for siting, constructing, monitoring, maintaining, and managing an artificial reef are consistent with the criteria and standards established under this chapter and the National Fishing Enhancement Act;

(3) ensure that title to an artificial reef component or construction material is unambiguous; and

(4) consider the national artificial reef plan adopted under the National Fishing Enhancement Act and notify the Secretary of the United States Department of Commerce of any need to deviate from that plan.

Sec. 89.004. PERSON OTHER THAN DEPARTMENT AS PERMITTEE. The department shall review and comment on an application for an artificial reef permit by a person other than the department to ensure that the conditions of the permit are consistent with the state artificial reef plan and the National Fishing Enhancement Act.

[Sections 89.005-89.020 reserved for expansion]

SUBCHAPTER B. STATE ARTIFICIAL REEF PLAN

Sec. 89.021. STATE ARTIFICIAL REEF PLAN. (a) The department shall develop a state artificial reef plan that meets the purpose of this chapter and is consistent with the standards under Section 89.023 of this code.

(b) The department shall administer and enforce the plan in accordance with this chapter and the National Fishing Enhancement Act.

(c) The department shall develop any additional technical information needed to carry out the plan.

(d) The Texas Parks and Wildlife Commission shall appoint an advisory committee to advise and make recommendations to the department on details and specifications of the plan. The advisory committee shall be composed of at least one representative of a salt water sports fishing organization, an offshore oil and gas company, the Texas tourist industry, the General Land Office, a shrimping organization, a Texas diving club, the attorney general's office, a Texas university, and an environmental group. The advisory committee shall serve at the will of the

Texas Parks and Wildlife Commission. The advisory committee shall be appointed within 60 days of the effective date of this Act.

Sec. 89.022. REQUIRED PROVISIONS. The state artificial reef plan must include:

- (1) operational guidelines for the plan, including specific participant roles, and projected funding requirements for the plan;
- (2) geographic, hydrographic, geological, biological, ecological, social, economic, and other criteria for permitting and siting artificial reefs;
- (3) design, materials, and other criteria for establishing, constructing, and maintaining artificial reefs;
- (4) mechanisms and methodologies for monitoring artificial reefs in compliance with the requirements of permits issued under the National Fishing Enhancement Act;
- (5) mechanisms and methodologies for managing the use of artificial reefs;
- (6) a map that depicts priority areas for artificial reef development consistent with this chapter and the National Fishing Enhancement Act; and
- (7) provisions for managing the artificial reef fund in a manner that will assure successful implementation of the plan.

Sec. 89.023. STANDARDS. An artificial reef located in water covered under this chapter must be sited, constructed, maintained, monitored, and managed in a manner that:

- (1) enhances and conserves fishery resources to the maximum extent practicable;
- (2) facilitates access and use by Texas recreational and commercial fishermen;
- (3) minimizes conflicts among competing uses of water and water resources;
- (4) minimizes environmental risks and risks to personal and public health and property;
- (5) is consistent with generally accepted principles of international law and national fishing law and does not create any unreasonable obstruction to navigation;
- (6) uses the best scientific information available; and
- (7) conforms to the state artificial reef plan.

Sec. 89.024. COMPLETION DATE. The department must complete the state artificial reef plan on or before September 1, 1990.

Sec. 89.025. REEFS CONSISTENT WITH PLAN. (a) All artificial reefs developed in state water must be consistent with the state artificial reef plan.

(b) Comments and recommendations by a state agency regarding artificial reefs in federal water must be consistent with the state artificial reef plan.

[Sections 89.026-89.040 reserved for expansion]

SUBCHAPTER C. ARTIFICIAL REEF FUND

Sec. 89.041. ARTIFICIAL REEF FUND. (a) The artificial reef fund is created in the State Treasury.

(b) The fund is composed of all funds received by the state, including interest and earnings on the funds, under this chapter.

(c) No state general revenue funds shall be expended in the development or implementation of this plan.

Sec. 89.042. DEDICATION. The artificial reef fund is dedicated to the department for the purpose of carrying out this chapter, including siting, designing, constructing, monitoring, and otherwise managing an artificial reef or artificial reef system.

Sec. 89.043. **GRANTS, DONATIONS, AND OTHER ASSISTANCE.** The department may accept grants, donations of money or materials, and other forms of assistance from private and public sources.

[Sections 89.044-89.060 reserved for expansion]

SUBCHAPTER D. MISCELLANEOUS PROVISIONS

Sec. 89.061. **LIABILITY.** (a) The state, an agency of the state, or an insurer of the state or agency of the state is not liable for damages caused by an activity required under the terms and conditions of a permit for an artificial reef.

(b) A person who has transferred title of artificial reef construction materials to the state is not liable for damages arising from the use of the materials in an artificial reef if the materials meet applicable requirements of the National Fishing Enhancement Act and applicable regulations of the United States Department of the Interior.

SECTION 2. For the fiscal year ending August 31, 1990, and the fiscal year ending August 31, 1991, all revenues accruing to the artificial reef fund are appropriated to the Parks and Wildlife Department for the purposes provided by Chapter 89, Parks and Wildlife Code, as added by this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Brown moved to concur in the House amendment to S.B. 5.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

SENATE BILL 623 WITH HOUSE AMENDMENT

Senator Johnson called S.B. 623 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Beauchamp

Amend S.B. 623 as follows:

(1) On page 1, line 7, strike "Subsection (e) or (f) of" and substitute "(Subsection (c) or (f) of)".

(2) On page 1, line 17, add the following sentence after "more.":

"In this section, maintenance includes supervision of custodial, plant operations, maintenance, and ground services personnel."

The amendment was read.

On motion of Senator Johnson and by unanimous consent, the Senate concurred in the House amendment to S.B. 623 viva voce vote.

RECORD OF VOTE

Senator Green asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

HONORARY PAGE INTRODUCED

Senator Caperton introduced Mike Perrin, serving as an Honorary Page today.

The Senate welcomed Mike and expressed appreciation for his assistance today.

**COMMITTEE SUBSTITUTE
SENATE BILL 977 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 977, Relating to credit in, benefits from, and administration of public retirement systems for police officers in certain municipalities.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 977 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 977** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1259 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1259, Relating to benefits from public retirement systems for police officers in certain municipalities.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1259 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1259** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 262 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 262, Relating to the provision of certain health and accident insurance and coverage to certain local government officers, employees, retirees, and dependents.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 262 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 262** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 427 ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 427, Relating to solicitations made in the name of law enforcement personnel; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 427 ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 427** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 94 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 94, Relating to the designation of certain bonds as college savings bonds.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 94 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 94** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 966 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 966, Relating to requiring a defendant to submit to home confinement and electronic monitoring as a condition of release on personal bond.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 966 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 966** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1565 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1565, Relating to the transfer of cases on change of venue.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1565 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1565** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE**SENATE BILL 1359 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1359, Relating to compliance with Chapter 45, Human Resources Code (interstate placement of children).

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 1359 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1359** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 759 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 759, Relating to the registration of certain talent agencies; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 759 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 759** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

GUESTS PRESENTED

Senator Barrientos introduced Harry and Marceil Hubbard and their daughter, Janice Dawes.

Senator Edwards joined in welcoming these guests and introduced Lance and Blake Dawes, serving as Honorary Pages today.

The Senate welcomed these guests and expressed appreciation to Lance and Blake for their assistance.

**COMMITTEE SUBSTITUTE
SENATE BILL 46 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 46, Relating to death benefits payable by the Employees Retirement System of Texas.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 46 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 46** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1468 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1468, Relating to discrimination because of race, religion, color, sex, or national origin by officers or employees of the state or a political subdivision of the state.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1468 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1468** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 327 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 327, Relating to the establishment, enforcement, and collection of child support and to the establishment of paternity.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend the committee printing of **C.S.S.B. 327** on page 7, at lines 21 through 29 by deleting subsection (c) of Sec. 14.051 in its entirety and substituting in lieu thereof the following:

“(c) If health insurance is not available for the child at the obligor’s place of employment, but is available for the child at the obligee’s place of employment, the court shall order the obligee to provide health insurance for the child and order the obligor to reimburse the obligee for the actual cost of the health insurance for the child.

“(d) If health insurance is not available for the child at either the obligor’s or obligee’s place of employment, the court shall order the obligor to provide health insurance for the child to the extent that such insurance is available for the child from another source and the obligor is financially able to provide it.”

Renumber accordingly.

The amendment was read and was adopted viva voce vote.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 327 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 327 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 490 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 490, Relating to membership, participation, and credit in, and benefits and administration of, the Teacher Retirement System of Texas and programs administered by the retirement system.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 490 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 490 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 365 ON SECOND READING**

Senator Leedom asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 365, Relating to a source of financing for the State Pension Review Board and to the duties of the board.

There was objection.

Senator Leedom then moved to suspend the regular order of business and take up C.S.S.B. 365 for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Barrientos, Brooks, Brown, Carriker, Dickson, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Edwards, Glasgow.

Absent: Caperton, McFarland, Montford.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 365** by striking the word "of" where it appears on line 54 in subsection (c) in Section 2 of the printed bill and substituting in lieu thereof the following: "not to exceed"

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 365 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 365** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Edwards, Glasgow, Washington.

Absent: Caperton, McFarland.

The bill was read third time and was passed viva voce vote.

SENATE BILL 184 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 184, Relating to the creation of an offense involving certain sales of tickets to events; providing a penalty.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend **S.B. 184** as follows:

(1) On page 1, line 9, of the bill, strike the period and insert the following: "including athletic contests."

The amendment was read and was adopted viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 184 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 184** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 665 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 665, Relating to the delay in payment of claims under insurance coverage.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Glasgow and Johnson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 665 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 665** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Glasgow, Johnson, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Glasgow and Johnson asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 762 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 762, Relating to death benefits payable to the survivors of certain public servants killed on duty.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 762 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 762** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1243 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1243, Relating to physician conflicts of interest.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1243 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1243** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1252 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1252, Relating to payments by or to physicians, hospitals, or health care entities for the purpose of soliciting or securing patients.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1252 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1252** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 591 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 591, Relating to the provision of services relating to physical therapy under the medical assistance program.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Glasgow and Johnson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 591 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 591 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Glasgow, Johnson, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Glasgow and Johnson asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1594 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1594, Relating to the right of unpaid maternity and parental leave for employees of the State of Texas and providing for enforcement.

The bill was read second time.

Senator Parmer offered the following amendment to the bill:

Amend **S.B. 1594** by adding a new subsection (i) in Section 3 to read as follows:

(i) In the event that both parents of a child covered under the provisions of this act are employees of the State, nothing in this act shall create a right for both parents to receive leave at the same time.

The amendment was read and was adopted viva voce vote.

On motion of Senator Parmer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Glasgow and Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1594 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 1594 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Glasgow, Leedom, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Glasgow and Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1095 ON SECOND READING

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1095, Relating to the creation of the Centennial Scholars Matching Fund at The University of Texas Medical Branch at Galveston.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up **S.B. 1095** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Edwards, Haley, Henderson, Krier, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Glasgow, Green, Johnson, Leedom, Lyon, Ratliff, Washington.

Absent: Caperton, Harris, McFarland.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1095** by substituting the following for Subsection (c) and (f):

(c) The legislature may appropriate general revenue to the fund in each biennium in an amount not to exceed the amount of gifts, grants, and donations committed to be paid by other public and private sources to the fund during the biennium.

(f) The medical branch shall report to the Legislative Budget Board in September of each even-numbered year all eligible gifts, grants, and donations committed to be paid to the fund during the biennium immediately following the year of the report.

The amendment was read.

Senator Lyon offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by adding the following subsection:

G. This act shall allow all other State-supported medical schools in the State to create matching fund programs similar to this act.

The amendment was read and was adopted viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, Floor Amendment No. 1 as amended was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Glasgow and Ratliff asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

HOUSE CONCURRENT RESOLUTION 117 REREFERRED

On motion of Senator Montford and by unanimous consent, H.C.R. 117 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Administration.

HOUSE CONCURRENT RESOLUTION 118 REREFERRED

On motion of Senator Montford and by unanimous consent, H.C.R. 118 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Administration.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider H.B. 1923 today at 2:30 p.m.

MEMORIAL RESOLUTIONS

S.R. 503 - By Glasgow: In memory of J. W. (Bill) Shannon of Stephenville.

S.R. 504 - By Glasgow: In memory of Jeremy Vance Ellis of Granbury.

S.R. 505 - By Glasgow: In memory of Daisy Vandiver Warden of Peoria, Arizona.

S.R. 506 - By Glasgow: In memory of John Burke Stroud of Clifton.

S.R. 507 - By Glasgow: In memory of Mary DuQuesnay Brannon of Flower Mound.

S.R. 508 - By Glasgow: In memory of Alfonso Nicosia, Jr., of Denton.

S.R. 509 - By Glasgow: In memory of Dr. William R. Haney of Cleburne.

S.R. 510 - By Glasgow: In memory of Katha Lynn McDaniel of Carbon.

S.R. 511 - By Glasgow: In memory of Charles Foster Jenkins of Argyle.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 495 - By Bivins: Extending congratulations to Doug Dickinson on winning two gold medals and setting state and national records at the Texas State Swim Meet.

S.R. 496 - By Bivins: Extending congratulations to the Amarillo Christian High School boys' basketball team on winning the Class 1A State Championship.

S.R. 499 - By Henderson: Extending congratulations to Derek Gentry on achieving the rank of Eagle Scout.

S.R. 500 - By Caperton: Extending welcome to the third grade classes and their teachers from Cedar Creek Elementary School.

S.R. 502 - By Uribe: Extending congratulations to Kim Neck of South Padre Island for the award-winning essay titled "Politics."

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:08 p.m. adjourned until 11:00 a.m. tomorrow.